

### **DRAWING AMENDMENTS (Other than Those Requested on Form PTO-948)**

Drawing amendments (discussed below) are provided on separate sheets accompanying this Response.

### **REMARKS**

#### **1. The Amendments and the Support Therefor**

No claims are been canceled or added, and claims 49, 58, and 65 have been amended to leave claims 49-68 in the application. Support for the amendments is found, for example, at page 18 lines 25-26.

#### **2. Replacement (Formal) Drawing Submission**

FIGS. 5 and 6a are amended to add label 125, which is also shown in FIG. 9 and discussed at page 20 line 4 onward (and elsewhere, e.g., the original abstract). This addition is made to further ensure that the subject matter of all claims is depicted in the drawings, as required by 37 CFR §1.83(a).

#### **3. Section 2 of the Office Action: Objection to the Title**

To traverse this objection, the title is amended in accordance with the suggestion set forth in the Office Action.

#### **4. Section 3 of the Office Action: Objection to the Abstract**

To traverse this objection, the abstract has been amended to more concisely describe the invention.

#### **5. Sections 4-9 of the Office Action: Rejection of Claims 49-68 under 35 USC §102 in view of U.S. Patent 6,245,247 to Carson**

The claims (in particular independent claims 49, 58, and 65), as amended, recite that the circuit device – which includes the light / signal emitter, the power source, etc. – is attached to the back of a label on the container. This arrangement is not shown in *Carson*, which has a first

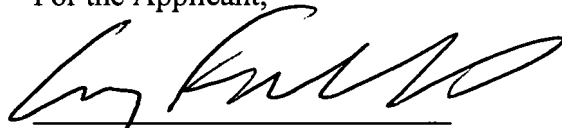
compartment 14 (FIGS. 1 & 3) which houses a beverage (column 2 lines 53-64), and a separate enclosed second compartment 36 which houses its circuit device (column 3 lines 16-28, 47-55). The compartments and device are arranged such that the device illuminates the interior of the first compartment (FIGS. 1 & 3, column 3 lines 30-46). The *Carson* container 12 may bear a film label 88 (FIG. 3, column 5 lines 36-50), but this is provided solely about the first compartment 14 and spaced away from the second compartment 36, and there is no suggestion whatsoever that the circuit device be provided on the label 88. It is also notable that in *Carson*, even if an ordinary artisan *did* think to situate the circuit device/illuminator on the label, this would be unsuitable because it would produce a localized bright “spot” on the label, rather than a diffuse light which extends through the container and illuminates the entire label (which is *Carson*’s objective; see FIG. 3 and column 5 lines 36-50). Additionally, placing *Carson*’s circuit device on a label, and then installing the label and circuit device together within *Carson*’s second compartment 36, seems difficult and impractical. Thus, the claimed arrangement does not appear to be obvious in view of *Carson*.

Regarding the remaining references cited in the Office Action, U.S. Patent 6,419,384 to *Lewis et al.*, U.S. Patent 6,163,248 to *Paek et al.*, U.S. Publn. 20040136177 to *Lewis et al.*, U.S. Publn. 20040212987 to *Lu*, U.S. Publn. 20040017678 to *Liu*, and U.S. Publn. 20030081408 to *Tai* are directed to cups/glasses (e.g., a shot glass) or pitchers having an illuminated enclosed lower chamber similar to *Carson*’s. These in no way suggest situating the circuit device on a label. Nor do the remaining references noted in the Office Action: U.S. Patent 5,784,265 is simply an illuminated coaster which rests under and illuminates a cup/glass, and U.S. Publn. 20040004829 to *Policappelli* is directed to a beverage container having glow-in-the-dark properties. We therefore submit that the claims, as amended, define matter which is novel and unobvious over the art of record.

**6. In Closing**

If any questions regarding the application arise, please contact the undersigned attorney. Telephone calls related to this application are welcomed and encouraged. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

For the Applicant,



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**ATTACHMENTS:**

- Replacement Drawing Sheet 2